

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-12 and 15 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Rejection of claims 1-15 under 35 U.S.C. 112, first paragraph

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and as based on a disclosure which is not enabling. For at least the following reasons, this rejection is traversed.

The PTO asserts that the “claimed feature of ‘the controller functions to: compute a lower limiting oil pressure which is possible in the vehicle running state’ is...not included in the claim(s) is not enabled by the disclosure.” (Paragraph 5 of Office Action.) First, it is respectfully submitted that the feature is claimed in claim 1.

Second, claim 1 has been amended to include the feature “the controller functions to: compute a lower limiting oil pressure which is possible in the vehicle running state, based on the rotation speed of the engine.” There is proper support for the amendment in the disclosure in paragraph 0043 of the present application. Specifically, paragraph 0043 states:

Herein, the oil pump 34 is driven by the engine 1, so the lower limiting oil pressure depends mainly on the engine rotation speed. However, the lower limiting oil pressure is also affected by the oil temperature and variations (e.g. variations in initial performance or temporal variation in performance due to deterioration) in the condition of the components of the oil pressure control mechanism 30 (in particular, the oil pump). Therefore, the lower limiting oil pressure is computed also taking account of these factors.

In other words, the oil pump 34 is driven by the engine 1. The oil pressure control mechanism 30 is provided with a regulator valve 31, a speed change control valve 32 and a pressure reduction valve 33, and controls the oil pressure supplied from an oil pump 34. (Paragraph 0027 of the present application.) The line pressure PL supplied from the oil pump 34, which is regulated by the regulator valve 31, is supplied to the speed change control valve 32 for controlling the oil pressure of the primary pulley cylinder chamber 11c and the pressure reduction valve 33 for controlling the pressure supplied to the secondary pulley cylinder chamber 12c. (Paragraphs 0029-0030 of the present application.) There is a

maximum pressure drop which the regulator valve 31 can obtain for a given line pressure. This maximum pressure drop results in a minimum pressure (i.e., the lower limiting oil pressure).

Furthermore, the line pressure depends on the engine rotation speed for the proper operation of the engine, which in turn affects the lower limiting oil pressure. Therefore, the lower limiting oil pressure depends mainly on the engine rotation speed such that the lower limiting oil pressure usually increases with the engine rotation speed. Thus, the lower limiting oil pressure can be calculated based on the engine rotation speed because the lower limiting oil pressure depends on the engine rotation speed. One with ordinary skill in the art can ascertain through experimentation, but not undue experimentation, the function between the lower limiting oil pressure and the engine rotation speed. Thus, the description provides sufficient disclosure to enable one with ordinary skill in the art to practice the invention of claim 1 without undue experimentation.

Claims 2-12 depend from and contain all the limitations of claim 1, and are allowable therewith for at least the same reasons as claim 1.

Claims 13-14 have been cancelled, which renders this rejection moot.

Claim 15 has been amended to recite the step of “computing a lower limiting oil pressure which is possible in the vehicle running state, based on the rotation speed of the engine.” As previously mentioned, one with ordinary skill in the art can ascertain through experimentation, but not undue experimentation, the function between the lower limiting oil pressure and the engine rotation speed. Thus, the description provides sufficient disclosure to enable one with ordinary skill in the art to practice the invention of claim 15 without undue experimentation.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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